

REMARKS

The Examiner's action of June 5, 2003 is noted in which Claims 1-7 are variously rejected under 35 U.S.C. § 112 second paragraph, 35 USC § 102 and 35 USC § 103 as being unpatentable over the Kralik et al. reference.

Applicant has amended Claims 1 and 7 to alleviate the 35 U.S.C. § 112 objections and withdrawal of this ground of objection is requested.

This leaves the rejection of the claims under 35 USC § 102 and 35 USC § 103.

It is noted that the primary reference, the Kralik et al. reference, is cited under 35 USC § 102(e). This reference is a publication of Provisional Patent Application No. 60/249,679 filed on November 17, 2000.

As can be seen by the enclosed Rule 131 Declaration, the inventor of the subject Application invented the claimed subject matter prior to November 17, 2000.

As can be seen from the Rule 131 Declaration, Dr. Zhuang conceived the invention prior to November 17, 2000 as evidenced by his laboratory notebook page 002 as described by him and also by a corroborating statement of his colleague, Lingjuan Gu.

Moreover, the inventor, Dr. Songlin Zhuang, did not abandon, suppress or conceal his invention from its conception before November 17, 2000 to his constructive Reduction to Practice (filing the subject Application on September 26, 2001).

Evidence of Dr. Zhuang's continued work on his invention is documented in his Rule 131 Declaration.

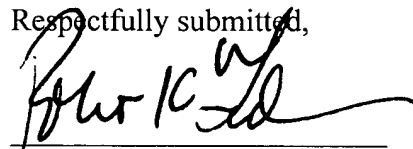
It is therefore Applicant's contention that the Kralik et al. reference should be removed and that with this reference removed the Examiner has cited no references which anticipate Applicant's claimed invention.

Moreover, Applicant's claimed invention is not obvious over Stole et al absent the Kralik et al. reference.

Further, Claims 6 and 7 are not obvious over Kralik et al. in view of Tamaka et al. due to the nonavailability of the Kralik et al. reference.

In view of the above Amendment, allowance of the claims and issuance of the case is earnestly solicited.

Respectfully submitted,



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